APPEALS & APPELLATE DECISIONS

MOTIONS FOR EXTENSION OF TIME IN APPEALS

Appellate Rules 10(E) and 11(C)

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Verified Motion for Extension of Time to Assemble Clerk's Record

The trial court clerk may ask the appellate court for an extension of time to assemble the Clerk's Record.

Extensions of time:

- Are not permitted in Expedited Appeals brought by the Division of Child Services under Ind. Appellate Rule 14.1 regarding juvenile placement or services, or termination of parental rights under Ind. Appellate Rule 35(C).

- Are granted only in extraordinary circumstances in appeals in worker's compensation, issues of child custody, support, visitation, paternity, adoption, and determination that a child is in need of services.

- Severe restrictions can occur in appeals under Ind. Appellate Rule 62 involving waiver of parental consent to abortion.

This motion should substantially follow Form App. R. 10-3, and can also be found in the Sample Forms at the back of the Indiana Rules of Appellate Procedure and on the web.

When completing and filing a Verified Motion for Extension of Time to Assemble Clerk's Record, remember:

- The rules require an original and one copy (two in total) for conventionally filed motions for extensions of time to assemble clerk's record;

- The rules require the motion be double-spaced;

- Be sure to serve the parties;

- The certificate of service must specifically list the parties served by name, specify the method of service and the date of service, and

- Be sure to file your Motion for Extension of Time **at least *seven* days before the deadline.**

Verified Motion for Extension of Time to File Transcript

The court reporter may ask the Court on Appeal for an extension of time to file the transcript with the trial court clerk. This motion should substantially follow Form App. R. 11-2, and can also be found in the Sample Forms at the back of the Indiana Rules of Appellate Procedure and on the web.

When completing and filing a Motion for Extension of Time to File Transcript, remember:

- In appeals involving worker's compensation, child custody, support, visitation, paternity, adoption, and determination that a child is in need of services, motions for extension of time are granted only in extraordinary circumstances. Extensions of time are not granted in cases involving termination of parental rights. Ind. Appellate Rule 35.

- The rules require an original and one copy (two in total) for conventionally filed motions for extension of time to file transcript;

- The rules require the motion be double-spaced;

- Be sure to serve the parties;

- The certificate of service must specifically list the parties served by name, specify the method of service and the date of service, and

- Be sure to file your Motion for Extension of Time **at least *seven* days before the deadline**.

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